

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Eleanor Ciofoletti, Rocco Ciofoletti, and Larry
Stospal, on behalf of themselves and all others
similarly situated,

Plaintiffs,

v.

Case No. 18-cv-3025 (JNE/ECW)
ORDER

Securian Financial Group, Inc., Minnesota Life
Insurance Company, Securian Life Insurance
Company, Shurwest, LLC, and Minnesota Mutual
Companies, Inc.,

Defendants.

On June 23, 2020, the Court heard oral argument on Defendant Shurwest's Motion to Dismiss and took the matter under advisement. Since that hearing, Plaintiffs have filed two letters with recently issued supplemental authority. Plaintiffs had requested permission to file the letters but did not include Shurwest in those communications. In response to Plaintiffs' first letter, Shurwest asked the Court to strike it from the record as an impermissible memorandum of law in violation of Local Rule 7.1(i). In response to Plaintiffs' second letter, Shurwest made legal arguments about the relevance of the supplemental authority, submitted additional factual evidence in support of its motion to dismiss, and raised a new argument about what forum would be most appropriate for this litigation by citing a case it had not cited in its briefing. *See* ECF No. 169.

While the Court has permitted the parties to submit supplemental authority, Shurwest has now abused that practice. As Shurwest has observed, Local Rule 7.1(i)

forbids unsolicited memoranda of law except with the Court's prior permission. Shurwest's August 20, 2020 letter violated this rule and will not be considered. By contrast, Plaintiffs' letters did not raise new arguments and merely quoted the authority attached. In any event, Shurwest's request to strike Plaintiffs' first letter is not properly before the Court. *See* Fed. R. Civ. P. 7(b)(1) ("A request for a court order must be made by motion.").

Hereafter, the parties shall include the opposing party in any communication with the Court.

IT IS SO ORDERED.

Dated: August 26, 2020

s/ Joan N. Ericksen
JOAN N. ERICKSEN
United States District Judge